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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 23, 2001

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE000662

Ex Parte: In the matter of
Adopting Rules Governing the
manner of installing underground
utility lines

ORDER DIRECTING STAFF TO FILE A
REPORT AND INVITING RESPONSES

On November 30, 2000, the State Corporation Commission ("Commission") entered an Order setting out its Staff's proposed rules for the enforcement of § 56-257, as amended, of the Code of Virginia. In its November 30 Order, among other things, the Commission docketed the proceeding, directed that public notice be given of the proposed rules under consideration, and invited interested parties to file comments or requests for hearing on the proposed rules.

On January 25, 2001, the Commission's Division of Information Resources filed its proof of the publication of the notices required by the November 30 Order.

In response to the Commission's November 30, 2000, Order, A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative,

Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Inc., Northern Virginia electric Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric Cooperative, Inc., and the Virginia, Maryland & Delaware Association of Electric Cooperatives jointly filed comments. Arlington County; Cox Virginia Telecom, Inc.; Virginia Telecommunications Industry Association; Appalachian Power Company; Delmarva Power & Light Company; Fairfax County Water Authority; and Roanoke Gas Company also filed comments. Columbia Gas of Virginia, Inc.; Washington Gas Light Company; and Virginia Natural Gas, Inc. jointly filed comments. None of the parties filing comments requested a hearing on the proposed rules, although several requested leave to participate in a hearing if one is convened.

NOW, UPON consideration of the proposed rules, the comments received thereon, and the applicable statutes, the Commission is of the opinion and finds that the Commission Staff should file a report on the comments and proposed revisions to the Rules for Enforcement of § 56-257 of the Code of Virginia found therein; that the Staff should promptly mail a copy of its report to the parties of record in this docket; and that interested parties should be given an opportunity to file comments responsive to or

to request a hearing on the Staff's report or any revisions to the rules set out in that report or the proposed rules.

Accordingly, IT IS ORDERED THAT:

(1) On or before April 20, 2001, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a report summarizing and responding to the comments and proposed revisions set out in those comments to the Rules now under consideration, together with any further revisions to these Rules that Staff deems appropriate. The Staff shall promptly mail a copy of its report to the parties of record in this docket.

(2) On or before May 10, 2001, interested parties of record shall file with the Clerk of the Commission an original and fifteen (15) copies of further comments in reply to, together with any request for hearing on, the recommendations and revisions to the rules, if any, set out in the Staff's report. On or before May 10, 2001, interested parties shall serve a copy of their comments or requests for hearing on all other parties of record and the Commission Staff. Any request for hearing shall identify the factual issues likely to be in dispute upon which hearing is sought, together with the evidence expected to be introduced at any hearing convened by the Commission. If no sufficient request for hearing is received, the Commission may consider the proposed rules based upon the

written pleadings and comments filed herein without convening a hearing at which oral testimony is received.

(3) This matter shall be continued, pending further order of the Commission.